

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

ROY LONGMAN AS TRUSTEE FOR)
THE LONGMAN REVOCABLE)
TRUST,)

Plaintiff,)

v.)

MICHAEL WILDS,)

Defendant.)

No. CV 13-8424 UA (DUTYx)

ORDER SUMMARILY REMANDING
ACTION TO STATE COURT

The Court will remand this "Complaint - Unlawful Detainer," Case No. 13U09586, to state court summarily because Defendant removed it improperly.

On November 14, 2013, Defendant Russell Ellis, having been sued in what appears to be a routine unlawful detainer action in California state court, lodged a Notice of Removal of that action to this Court and also presented an application to proceed *in forma pauperis*.

The Court has denied the *in forma pauperis* application under separate cover because the action, again, was not properly removed. To prevent the action from remaining in jurisdictional limbo, the Court issues this Order to remand the action to state court.

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1 Simply stated, as the Court has previously determined, Plaintiff could not have
 2 brought this action in federal court in the first place, in that Defendant does not
 3 competently allege facts supplying either diversity or federal-question jurisdiction, and
 4 therefore removal is improper. 28 U.S.C. § 1441(a); *see Exxon Mobil Corp v. Allapattah*
 5 *Svcs., Inc.*, 545 U.S. 546, 563, 125 S. Ct. 2611, 162 L. Ed. 2d 502 (2005). Even if
 6 complete diversity of citizenship existed, the amount in controversy does not exceed the
 7 diversity-jurisdiction threshold of \$75,000. *See* 28 U.S.C. §§ 1332, 1441(b). On the
 8 contrary, the unlawful-detainer complaint recites that the amount in controversy does not
 9 exceed \$10,000.

10 Nor does Plaintiff's unlawful detainer action raise any federal legal question. *See*
 11 28 U.S.C. §§ 1331, 1441(b).

12 Accordingly, IT IS ORDERED that (1) this matter be REMANDED to the Superior
 13 Court of California, County of Los Angeles, Central District, 111 North Hill Street, Los
 14 Angeles, California 90012 for lack of subject matter jurisdiction pursuant to 28 U.S.C.
 15 § 1447(c); (2) that the Clerk send a certified copy of this Order to the state court; and (3)
 16 that the Clerk serve copies of this Order on the parties.


17 IT IS SO ORDERED.

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 19 DATED: 12/11/13



 GEORGE H. KING
 Chief United States District Judge

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 22 Presented by:

23 
 24 /S/ FREDERICK F. MUMM
 25 FREDERICK F. MUMM
 26 United States Magistrate Judge
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